

NEWSBRIEFS - April 1977

EEO SEMINAR REVISION

OTR's EEO Seminar for managers and supervisors is being revised. The first run of the new course is planned for June.

STATS COMMENT

In March, the Agency had ☐ professional EOD's: ☐ males, ☐ female.

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LIBRARY--SPECIAL COLLECTION

The Federal Women's Program shelf will be ready for action in May. It will be located on the second level of the Library, near the EAA and retirement collection. The Federal Women's Board will send out an announcement.

EEOP PREPARATION

The Office of EEO invited Advisory Panels, MAG's, Federal Women's Program Working Groups, and Program Coordinators to help assess the FY 77 EEO Plan. Their comments will be discussed with EEO Officers prior to writing the 1978 Plan. On 26 April, representatives from the Office of EEO will meet with Jim Evans of the Civil Service Commission for our mid-year review. They will discuss our progress and CSC guidelines for the 1978 EEO Plan.

BEST SELLER

The ☐ copies of How the Discrimination Complaints System Works printed in February were grabbed up so quickly, we printed another batch ☐ in March. We made a minor wording change and added an arrow to the system chart.

PEOPLE BOOK

The OEEEO has assembled a picture book-- Faces in EEO. It includes pictures, names, addresses, telephone numbers, and EEO responsibilities of CIA counselors, investigators, OEEEO staff, and Directorate EEO Officers. One copy is ready; others will follow soon--one for each Directorate EEO Officer.

COMPLAINT DECISIONS--ARB

The OEEEO is compiling a collection of discrimination case decisions taken from the CSC publications, Digest of Significant Decisions. Each decision, made by the CSC Appeals Review Board, is described in 2 or 3 paragraphs

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and gives a look at the Boards interpretation of regulations
and actions of various agencies. Copies to be available
in 2 weeks.

THE PRESIDENTIAL "MISSILE"

The OEE0 responded to an inquiry from President Carter who
wanted to know the Agency's rate of utilization of minorities
and women in grades above GS-15. This suggests that he will
be placing considerable emphasis on this subject and that we
will be more involved with keeping top management apprised
of progress (or lack of it).

TWO ATTACHMENTS:

1. Guidelines for Pre-Employment Inquiries is not all
applicable to CIA, but is interesting. Guidance only.
2. Interviewing Women Candidates is a helpful item.
If you want copies (original CSC printing) please call
[REDACTED] We will order enough for all.

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Guidelines for Pre-Employment Inquiries

Editors' Note: The following chart, compiled by Clifford Coen, University of Tennessee, was originally published in the December 1976 newsletter of the American Association for Affirmative Action. It is intended for guidance only. The courts, EEOC, and state or local fair employment practice agencies may differ considerably in their interpretations of what constitutes an unlawful inquiry. For further information, consult the state law chapter (451) of the Fair Employment Practices Manual.

	LAWFUL INQUIRIES	UNLAWFUL INQUIRIES
Name	"Have you worked for this organization under a different name?" Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain."	Inquiries about the name which would indicate applicant's lineage, ancestry, national origin or descent. Inquiries into previous name of applicant where it has been changed by court order, marriage, or otherwise.
Marital And Family Status	Whether applicant can meet specified work schedules or has activities, commitments or responsibilities that may hinder the meeting of work attendance requirements. Inquiries as to a duration to stay on job or anticipated absences which are made to males and females alike.	Any inquiries indicating whether an applicant is married, single, divorced, engaged, etc. Number and age of children. Any questions concerning pregnancy. Any such question which directly or indirectly results in limitation of job opportunity in any way.
Age	If a minor, require proof of age in form of a work permit or a certificate of age. Require proof of age by birth certificate after being hired. Inquiry as to whether or not the applicant meets the minimum age requirements as set by law and requirements that upon hire, proof of age must be submitted. If age is a legal requirement: "If hired, can you furnish proof of age?" or statement that hire is subject to verification of age?	Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record.
Handicaps	Whether applicant has any handicaps or health problems either sensory, mental, or physical which may affect work performance or which the employer should consider in determining job placement.	General inquiries (i.e., "Do you have any handicaps?") which would tend to divulge handicaps or health conditions which do not relate reasonably to fitness to perform the job.
Sex	Inquiry or restriction of employment is permissible only where a bona fide occupational qualification exists. (This BFOQ exception is interpreted very narrowly by the courts and EEOC.) The burden of proof rests on the employer to prove that the BFOQ does exist and that all members of the affected class are incapable of performing the job.	Sex of the applicant. Any other inquiry which would indicate sex. Sex is not a BFOQ because a job involves physical labor (such as heavy lifting) beyond the capacity of some women nor can sex be used as a factor for determining whether or not an applicant will be satisfied in a particular job.
Race or Color	General distinguishing physical characteristics such as scars, etc.	Applicant's race. Color of applicant's skin, eyes, hair, etc. or other questions directly or indirectly indicating race or color. Applicant's height or weight where it is not relevant to job.
Address or Duration of Residence	Applicant's address. Inquiry into place and length of current and previous addresses. "How long a resident of this state or city?"	Specific inquiry into foreign addresses which would indicate national origin. Names or relationship of persons with whom applicant resides. Whether applicant owns or rents home.
Birthplace	"Can you after employment submit a birth certificate or other proof of U.S. citizenship?"	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit a birth certificate, naturalization or baptismal record before employment. Any other inquiry to indicate or identify denomination or customs.
Military Record	Type of education and experience in service as it	Type of discharge.

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LAWFUL INQUIRIES

Photograph	May be required after hiring for identification.
Citizenship	"Are you a citizen of the U.S.?" If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.? Do you intend to remain permanently in the U.S.? Statement that if hired, applicant may be required to submit proof of citizenship. If not a citizen, are you prevented from lawfully becoming employed because of visa or immigration status?
Ancestry or National Origin	Languages applicant reads, speaks, or writes fluently.
Education	Applicant's academic, vocational, or professional education; school attended. Inquiry into language skills such as reading, speaking, and writing foreign languages.
Experience	Applicant's work experience. Other countries visited.
Conviction, Arrest And Court Record	Inquiry into actual convictions which relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer the alleged crime.)
Relatives	Names of applicant's relatives already employed by this company. Names and addresses of parents or guardian of minor applicant.
Notice in Case of Emergency	Names of persons to be notified.
Organizations	Inquiry into the organization of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color, or ancestry of the membership. What offices are held, if any?
Credit Rating	None
References	By whom were you referred for a position here? Names of persons willing to provide professional and/or character references for applicant. Who suggested that applicant apply for a position here?
Miscellaneous	Notice to applicants that any misstatement or omissions of material facts in the application may be cause for dismissal.

UNLAWFUL INQUIRIES

Request photograph before hiring. Requirement that applicant affix a photograph to his application. Request that applicant, at his option, submit photograph. Requirement of photograph after interview but before hiring.

"Of what country are you a citizen?" Whether applicant or his parents or spouse are naturalized or native-born U.S. citizens. Date when applicant or parents or spouse acquired U.S. citizenship. Requirement that applicant produce his naturalization papers or first papers. Whether applicant's parents are citizens of the U.S.

Inquiries into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.

Inquiry asking specifically the nationality, racial or religious affiliation of a school. Inquiry as to what is mother tongue or how foreign language ability was acquired.

Any inquiry relating to arrests. To ask or check into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the prospective employment.

Name or address of any relative of adult applicant.

Name and address of relative to be notified in case of accident or emergency.

"List all organizations, clubs, societies and lodges to which you belong." The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color, or ancestry of the membership.

Any questions concerning credit rating, charge accounts, etc.

Require the submission of a religious reference. Request reference from applicant's pastor.

Interviewing Women Candidates

It is difficult to know, sometimes, how to act with someone of another race, another generation, the other sex. What may have been the norm yesterday isn't accepted today and may not be tolerated tomorrow.

Interviewing women as candidates or potential applicants is one situation for which the norms are changing. Here are some rules to go by. They are not intended to establish that any specific behavior is legal or illegal, contrary to Federal regulations or not. The perspective is one of common sense, common courtesy and a professional approach.

As a supervisor filling a vacant position, or as a representative of your agency interviewing potential applicants, you want to do the right thing, to make a favorable impression for your organization and to avoid embarrassment for yourself and the people you interview. This is an attempt to help.

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For sale by the Superintendent of Documents
U.S. Government Printing Office, Washington, D.C. 20402
Price 25 cents Stock Number 0600-09777

☐ Use the right words. Try to remember that the women in your office are not "girls" or "gals." And the woman you're interviewing isn't "sweetie" or "honey" or "dear"—even if you are a good ol' boy, even if you *do* call men you've never met before things like "pal" or "chum."

☐ Don't inquire into certain areas that are none of our business.

—Her marital status (or nonmarital arrangements) or plans.

—What her husband does, how much he makes, whether he's subject to transfer, how he feels about her working, traveling, or anything else.

—Whether she has any children (or plans to) and how many, what ages or sex they are.

—Arrangements for the care of her children.

—Her views on birth control, abortion, women's lib.

☐ Don't bring up your prejudices. You're entitled to them, of course, but you aren't entitled to do anything about them on company time.

—Women shouldn't travel alone, shouldn't travel with men, shouldn't stay overnight in another city.

—Women aren't aggressive enough.

—They are too emotional.

—They never stick with a job.

—They won't accept travel assignments.

—That women want to work only until marriage, or that they all want to marry.

—That women are absent from work more than men.

—That they use more sick leave than men.

—Women don't want responsibility.

—Can't supervise men.

—Can't supervise women.

—Aren't interested in certain fields.

—Aren't mobile.

☐ Don't flirt, don't be patronizing ("you'll find lots of boyfriends"). Don't presume: Interviewers

sometimes take advantage of an interviewee's friendliness to act as if there is a degree of friendship.

☐ Don't joke. Some men find it embarrassing to behave toward women in a completely businesslike way. It can bring on the same kind of feelings you had as a child when you were trying to lie and thought the smirk you were suppressing must be obvious to everyone. The fact is that when women are treated as adult human beings, they don't notice anything strange about it—or you.

☐ Incidentally, in making a selection or recommendation, it is improper to give consideration to such factors as the following:

—That supervisors or managers might prefer men.

—Customers/clients wouldn't want to deal with women.

—Coworkers might object.

—Women's work lacks credibility.

—The job involves travel, or travel with the opposite sex.

—It involves unusual working conditions.

☐ If you are interviewing—say, on campus—it is your responsibility as a Federal representative to assure that candidates are scheduled impartially.

☐ It is improper to place undue emphasis on conditions of employment in the hope of discouraging the candidate, i.e., to solicit a declination. It is for the applicant, not the employer, to decide whether or not she wants the job—based, of course, on a clear explanation of what the conditions are.

☐ Finally, don't indicate your interest in a woman candidate as one whose selection would help improve your EEO picture (it's an insulting suggestion that you'd apply different standards).

The general rule is that one should treat women applicants and men applicants in the same way. But it doesn't make it right if you also go through the motions of asking men, say, about their prospects for parenthood. The point is that in most cases men have no reason to suppose that any improper significance would be attached to the answer, whereas women do.

Discriminatory behavior is as improper when it is not intended as when it is, and the appearance can be as important as the reality. That you ask certain questions not related to the job wouldn't necessarily show that you mean to discriminate, but such questions can be used and have been used in a discriminatory way, and women are increasingly aware of and resentful of this. The fact that certain questions are not relevant to consideration for employment is why they are improper when introduced into an employment interview.

There are a lot of *don't's*. Where, you may ask, are the *do's*? What *can* you talk about? Simple: There's the job, its duties and responsibilities. The organization, its missions, programs and achievements. Career possibilities and opportunities for growth, development, advancement. Where the job is located, travel, mobility, equipment and facilities available (especially important with scientists). The individual's qualifications: abilities, experience, education, interests. The wonder is that one can cover all the ground that needs to be covered, let alone have any time left for irrelevancies.

One last rule, though. Don't go the other way. Don't take pains to point out how fair-minded you and your organization are (it will sound phony anyway) or give an instant replay of every female success story. And don't make a big deal about being mature: If you've decided to go along with "Ms." and avoid masculine pronouns when you mean man or woman, that's fine but at least don't put it in italics.

[This guide was written with an awareness that many supervisors and agency representatives are men. While some of the points here obviously apply only to them, most would be applicable regardless of the interviewer's sex.]